S.B. Cr. Bail Application No. 5620/2007
(Sanjay Kumar Vs. State of Rajasthan)

Date of order : 10.12.2007

HON'BLE MR.H.R.PANWAR,J.

Mr. K.R.Choudhary for the petitioner.
Mr. Ashok Upadhyay, P.P.

Heard learned counsel for the petitioner and public prosecutor for the State. Perused the order impugned and challan papers as also statements of prosecution witnesses.

It is contended by learned counsel for the petitioner that similarly situated co-accused Sarla has been granted bail.

I have carefully gone through the statement of the prosecution witnesses more particularly the statement of PW-6 Brijvallabh as also recovery memos and postmortem report of the deceased.

The items belonging to the deceased have been recovered from the present petitioner and cause of death of the deceased is throttling. The allegation against the present petitioner is that he murdered the deceased by throttling and thereafter took away his belongings.

In this view of the matter, the case of the present petitioner to some extent distinguishable from that of co-accused

Sarla as nothing has been recovered from co-accused Sarla. There is evidence of last seen and corroborates with the recovery. Without commenting on the merit of the case, I do not find it a fit case to release the petitioner on bail.

The bail application filed by the petitioner under Section 439 Cr.P.C. is therefore, dismissed.

(H.R.PANWAR), J.

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